

6-12-90 Minutes

A regular meeting of the Council of the City of Bedford, Virginia, was held in the Council Hall of the Municipal Building at 7:30 p.m., June 12, 1990.

Members present: Mayor G. Michael Shelton; Councilman Larry D. Brookshier; Councilwoman Joanne A. Grahame; Councilman E. Thomas Messier; Vice Mayor John M. Owen, III; Councilman Ronnie C. Rice; and Councilman James A. Vest.

Members absent: None.

Staff present: City Manager Jack A. Gross; City Attorney W. W. Berry, IV; and Clerk of the Council Teresa W. Hatcher.

Mayor Shelton opened the meeting and led all present in saying the Pledge of Allegiance to the Flag.

Mayor Shelton declared that the minutes of a regular Council meeting held on May 22, 1990, were approved as mailed.

The City Manager stated that the public hearing notice on the appointment of members to the City School Board was not published. Mr. Gross asked Council to table that item until the June 26 meeting, and appointments can be made at the July 10 meeting.

City Manager Gross stated that a written request has been received to withdraw from the agenda the rezoning request (corner of Baltimore Avenue and Walnut Street and portion of Norfolk Avenue from M-1 Manufacturing to R-3 High Density Residential by O. Preston Layne, representing the owners).

On motion by Councilman Brookshier, seconded by Councilman Rice, voted upon and carried unanimously, Council made the following changes to the agenda:

Tabled the public hearing on the appointment of members to the City School Board.

Eliminated the public hearing on the rezoning request and the agenda item regarding the rezoning request.

Added an executive session: litigation regarding consultation with legal counsel and staff regarding Bedford County vs. City of Bedford and Carriage Hill, Ltd., lawsuit and its effects, pursuant to 2.1-344.(a)(6), of the Code of Virginia of 1950, as amended.

Added, under new business: Consideration of Funding - Requested Airport Study - Bedford Area Chamber of Commerce.

Mayor Shelton stated that he was notified by letter from Governor Wilder that the City is being offered a Community Improvement Grant in the amount of \$630,000. The Mayor publicly thanked Senator Schewel for his assistance in arranging meetings with State government officials.

Mayor Shelton stated that Police Chief Russell has received notification from the Department of Criminal Justice Services that the City has been awarded a grant in the amount of \$32,700 for implementation of an Incident Based Reporting System. Mayor Shelton stated that this grant was procured by the Chief of Police.

Mayor Shelton presented Cindy Curtis with a gift in appreciation of her work as Director of Parks and Recreation. Ms. Curtis has accepted a position with Prince William County and will no longer be employed by the City of Bedford.

Mayor Shelton presented a gift on behalf of City Council to Councilman Messier in honor of his many years of service to the City, as he chose not to seek reelection to Council. Mayor Shelton indicated that Councilman Messier was Mayor from 1984-1988 during which period great progress took place in the City.

Ms. Ann M. Whitby, 980 Salem Turnpike, thanked Council for presenting her with a key to the City; and also thanked Council for its efforts on behalf of handicapped individuals.

Mr. Don Hancock, Caseworker with Big Brothers and Sisters of Central Virginia, spoke to Council regarding the agency's efforts to establish an office in Bedford.

City Manager Gross stated that at the joint meeting of City Council and the Bedford County Board of Supervisors on January 16, 1990, both governing bodies adopted a resolution to participate in the Virginia Community Certification Program. Since this program requires the formation of a local economic development organization, the resolution also designated the Bedford Area Economic Development Committee as representing the City and County for the purpose of participating in this program. He stated the Committee has developed a set of proposed By-Laws, for which it is requesting Council's approval. Mr. Gross said that Council had received copies of those By-Laws and called to Council's attention one change that had been made.

On motion by Councilman Rice, seconded by Councilwoman Grahame, voted upon and carried unanimously, Council approved the proposed By-Laws of the Bedford Area Economic Development Committee, as presented by the City Manager.

City Manager Gross stated that the Board of Directors of the Central Virginia Criminal Justice Academy has submitted recommended amendments to the Charter Agreement for the Academy. Such amendments require the approval of three-fourths of the participating jurisdictional governing bodies, and the Board of Directors requests Council's consideration of the resolution approving these amendments.

The Clerk of Council read aloud the following proposed resolution:

A RESOLUTION APPROVING THE AMENDMENTS TO THE  
CHARTER AGREEMENT OF THE CENTRAL VIRGINIA  
CRIMINAL JUSTICE ACADEMY,  
FORMERLY KNOWN AS THE CENTRAL VIRGINIA  
CRIMINAL JUSTICE TRAINING CENTER

WHEREAS the Central Virginia Criminal Justice Academy, formerly known as the Central Virginia Criminal Justice Training Center, was established in 1974, and

WHEREAS, the Board of Directors does now submit for approval amendments to the Charter, and

WHEREAS, approval of the amendments is required by the governing bodies of the participating jurisdictions,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEDFORD that the amendments to the Charter of the Central Virginia Criminal Justice Academy be, and the same is hereby, approved.

Councilman Messier moved that the resolution be approved. The motion was seconded by Councilman Brookshier, voted upon and carried unanimously by the following roll call vote:

Councilman Brookshier	aye
Councilwoman Grahame	aye
Councilman Messier	aye
Vice Mayor Owen	aye
Councilman Rice	aye
Councilman Vest	aye
Mayor Shelton	aye

The City Manager stated that Council has received a memorandum from the Director of Community & Economic Development concerning the preliminary plat for High Acres Subdivision, located in the vicinity of Boone Drive and Vistarama Lane. He reported that the Planning Commission, on June 7, 1990, voted to recommend that City Council approve this preliminary Plat, subject to the execution of a subdivision agreement and a number of conditions which were listed in the memorandum.

On motion by Councilman Brookshier, seconded by Councilman Messier, and after discussion, voted upon and carried unanimously, Council approved the preliminary plat of High Acres Subdivision, subject to the execution of a subdivision agreement and subject to certain conditions.

City Manager Gross reported that the City received a statement from Bedford County for shared governmental services for the fiscal year ended June 30, 1989, in the amount of \$147,414. The original appropriation to cover these services was estimated at \$60,000. Of that amount \$14,013 has been expended for the City's share of the Circuit Court renovations and \$35,049 has been paid to Bedford County to cover services other than Public Schools (General Government, Health Services, Cooperative Extension Service, and Social Services). He stated that it is therefore necessary to appropriate \$101,428 to complete payment to Bedford County for shared governmental services. Mr. Gross stated that most of the additional cost was because of additional appropriations by the Board of Supervisors to the Bedford County School Board.

Councilman Vest moved that Council appropriate \$101,428 from the Unappropriated Contingency to Account No. 0909109101030094 to cover the settlement to Bedford County for shared governmental services for the fiscal year ended June 30, 1989. The motion was seconded by Councilman Rice, and after

discussion was voted upon and carried unanimously by the following roll call vote:

Councilwoman Grahame	aye
Councilman Messier	aye
Vice Mayor Owen	aye
Councilman Rice	aye
Councilman Vest	aye
Councilman Brookshier	aye
Mayor Shelton	aye

The City Manager stated that Council has received a memorandum from Cindy Curtis, Director of Parks and Recreation, requesting an appropriation to cover the cost of appraisal services and survey services on the 21 acres parcel adjoining Liberty Lake Park which the City plans to purchase. He reported that the low bids were from Commonwealth Appraisal Company in the amount of \$2,500 for the appraisal services; and from Donnie Slusher in the amount of \$1,100 for the survey services.

Councilwoman Grahame moved that Council appropriate a total of \$3,600 from the unappropriated contingency to Account No. 0707107102070100, Park Development, to cover the costs of the appraisal and the survey services on the parcel adjoining Liberty Lake Park. The motion was seconded by Councilman Brookshier, voted upon and carried unanimously by the following roll call vote:

Councilman Messier	aye
Vice Mayor Owen	aye
Councilman Rice	aye
Councilman Vest	aye
Councilman Brookshier	aye
Councilwoman Grahame	aye
Mayor Shelton	aye

The City Manager stated that Council had received a memorandum from the Director of Parks and Recreation requesting the closing of the Bedford Avenue Extension at the Health Department and Primary School entrances during various district and state ball tournaments in July.

Councilman Messier moved that Council approve the closing of Bedford Avenue Extension from the Health Department to the Primary School entrance on the following dates and times:

July 6, 7, 8 3:00 p.m. until 9:00 p.m.

July 9, 10, 11, 12, 13 5:00 p.m. until 9:00 p.m.

July 20, 21, 22 5:00 p.m. until 9:00 p.m.

The motion was seconded by Councilman Rice, voted upon and carried unanimously.

On motion by Councilman Messier, seconded by Councilwoman Grahame, voted upon and carried unanimously, Council waived the second reading of the following ordinances: Real estate tax rate; personal property and machinery and tools tax rates; and appropriation of funds.

On motion by Councilman Messier, seconded by Councilwoman Grahame, voted upon and carried unanimously by a roll call vote, Council adopted the following ordinance:

#### ORDINANCE

BE IT ORDAINED by the Council of the City of Bedford, Virginia, that there be, and is hereby levied for the fiscal year 1990-91, a tax of \$.71 per one hundred dollars of assessed valuation on all taxable real estate located in the City, the respective levy hereby ordered being also applicable to the real estate and tangible personal property of public service corporations within the limitations specified by Section 58.1-2606 of the Code of Virginia of 1950, as amended, based upon the assessment thereof fixed by the State Corporation Commission and duly certified.

Roll call vote:

Vice Mayor Owen	aye
Councilman Rice	aye
Councilman Vest	aye
Councilman Brookshier	aye
Councilwoman Grahame	aye
Councilman Messier	aye
Mayor Shelton	aye

Councilman Brookshier moved that the following ordinance be approved. The motion was seconded by Councilman Messier, voted upon and carried unanimously by a roll call vote:

## ORDINANCE

BE IT ORDAINED by the Council of the City of Bedford, Virginia, that there be, and is hereby levied, for the calendar year 1990, a tax of \$1.50 per one hundred dollars of one hundred per centum (100%) of assessed value on all taxable tangible personal property, including property separately classified in Section 58.1-3503 of the Code of Virginia of 1950, as amended, unless exempted from taxation or subject to a different rate under this ordinance. Household goods and personal effects as classified in Section 58.1-3504 and horses, mules and other kindred animals, hogs, poultry, grains and other feeds used for the nurture of farm animals, grain and tobacco as such items are classified in Section 58.1-3505 are exempted in whole from tangible personal property taxation. The following items are taxed at a levy of \$1.30 per one hundred dollars of one hundred per centum (100%) of the assessed valuation: (a) cattle, sheep and goats, and farm machinery and farm implements as separately classified in Section 58.1-3505; and (b) machinery and tools as separately classified in Section 58.1-3507

Roll call vote follows:

Councilman Rice	aye
Councilman Vest	aye
Councilman Brookshier	aye
Councilwoman Grahame	aye
Councilman Messier	aye
Vice Mayor Owen	aye
Mayor Shelton	aye

Councilman Messier moved that the following ordinance be approved. The motion was seconded by Councilman Brookshier, voted upon and carried by a roll call vote.

## ORDINANCE

BE IT ORDAINED that the City Council of the City of Bedford, Virginia, hereby directs that the funds as set out in the budget for Fiscal Year 1990-91 for the City of Bedford are appropriated and set aside to the General Fund, to the Water and Sewer Fund, to the Electric Fund, and to the Contingency Fund as shown in said budget, and that the City Manager is authorized to expend the funds in the General Fund, Water and Sewer Fund, and

Electric Fund in accordance with said budget and in accordance with prior appropriations.

Roll call vote follows:

Councilman Vest	aye
Councilman Brookshier	aye
Councilwoman Grahame	aye
Councilman Messier	aye
Vice Mayor Owen	aye
Councilman Rice	aye
Mayor Shelton	aye

Mayor Shelton stated that the Bedford Area Chamber of Commerce is requesting that Council appropriate \$1000 towards the expenses of conducting a preliminary study for the development of an airport facility just outside the City limits.

After discussion, Councilman Rice moved that Council appropriate up to \$1000 to come out of the unappropriated surplus (for the airport study). The motion was seconded by Councilman Vest.

Further discussion ensued.

The motion was then voted upon by roll call vote and did not pass:

Councilman Brookshier	nay
Councilwoman Grahame	nay
Councilman Messier	nay
Vice Mayor Owen	nay
Councilman Rice	aye
Councilman Vest	aye
Mayor Shelton	nay

On motion by Councilman Brookshier, seconded by Councilwoman Grahame, voted upon and carried by a roll call vote, Council adjourned into executive session to consider:

Recommendations to Circuit Court for Appointment to Board

of Equalization, pursuant to Section 2.1-344(a)(1), Code of Virginia of 1950, as amended.

Consultation with Legal Counsel and Briefings by Staff Members Concerning Placement of Newspaper Stands on Public Sidewalks, pursuant to Section 2.1-344(a)(7), Code of Virginia of 1950, as amended.

Litigation - Consultation with Legal Counsel and Staff Regarding Bedford County vs. City of Bedford and Carriage Hill, Ltd., Lawsuit, pursuant to Section 2.1-344(a)(6), Code of Virginia of 1950, as amended.

Roll call vote:

Councilwoman Grahame	aye
Councilman Messier	aye
Vice Mayor Owen	aye
Councilman Rice	aye
Councilman Vest	aye
Councilman Brookshier	aye
Mayor Shelton	aye

Council adjourned into executive session at 8:45 p.m. Non-council members attending were: City Manager Gross, City Attorney Berry, Clerk of the Council Hatcher, and Council-member elect Peyton Otey.

Council reconvened into open session at 9:36 p.m.

The Clerk read aloud the following resolution:

BE IT RESOLVED that the Council of the City of Bedford hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the executive meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the executive meeting were heard, discussed or considered by the Council.

Councilman Brookshier moved that the resolution be approved. The motion was seconded by Councilwoman Grahame, voted upon and carried unanimously by the following roll call vote:

Councilman Messier	aye
Vice Mayor Owen	aye



Councilman Rice	aye
Councilman Vest	aye
Councilman Brookshier	aye
Councilwoman Grahame	aye
Mayor Shelton	aye

On motion by Councilman Brookshier, seconded by Councilman Messier, voted upon and carried unanimously, the following item was added to the agenda:

Recommendations to the Circuit Court for Appointments to the Board of Equalization

Councilman Brookshier moved that Council recommend the following individuals to the Circuit Court for appointment to the Board of Equalization: Sneed Adams, Craig Lawrence, Tom Leary, Tommy Reynolds, and Preston Savage. The motion was seconded by Councilwoman Grahame, voted upon and carried unanimously.

Mayor Shelton adjourned the meeting at 9:40 p.m.